

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE JOHN KOKOLIOS,

Petitioner,

v.

RALPH DIAZ,

Respondent.

Case No. 2:20-cv-00933-KJM-JDP (HC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

Petitioner, proceeding without counsel, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. On May 15, 2020, the previously assigned magistrate judge screened petitioner's petition for writ of habeas corpus, dismissed it for failure to state a claim, and granted petitioner thirty days to file an amended petition. ECF No. 5. Petitioner subsequently filed a motion for reconsideration of the May 15 screening order, ECF No. 8, which was denied on July 6, 2020, ECF No. 9. Petitioner, however, never filed an amended petition for writ of habeas corpus. Accordingly, on January 20, 2021, petitioner was ordered to show cause within twenty-one days why this action should not be dismissed for his failure to prosecute and for failure to state a claim. ECF No. 12. Petitioner was also notified that he must file, within twenty-one days,

1 an amended petition, and he was warned that his failure to comply with the court's order would
2 result in a recommendation that this action be dismissed. *Id.*

3 The deadline has passed, and petitioner has not filed an amended petition nor otherwise
4 responded to the January 20, 2021 order. Accordingly, it is hereby RECOMMENDED that:

5 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
6 and for failure to state a claim for the reasons set forth in the court's May 15, 2020 order.

7 2. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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18 IT IS SO ORDERED.

19 Dated: April 6, 2021

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21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
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